



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

R. Douglas Meckes, DVM  
State Veterinarian

December 4, 2017

Marty Lawing  
Guilford County Manager  
P. O. Box 3427  
Greensboro, North Carolina 27402  
Via Hand Delivery

**Notice of Warning**

**Re: Violation of Title 02 N.C. Administrative Code ("NCAC") Chapter 52J, Section .0210(c).**

**AWS-WL-2017-26**

Animal Shelter: Guilford County Animal Shelter  
Registration No. 151

Dear County Manager Lawing:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint concerning the Guilford County Animal Shelter ("the shelter"). Based on the information within this complaint, AWS opened an investigation. The investigation included a site visit, interviews with shelter staff and veterinarian, review of shelter records, an interview with the rescue that received the dog, review of the relevant records of that rescue, interviews with the attending private practice veterinarian, and review of the medical records from this attending veterinarian.

The investigation findings include:

- 1) The dog named Mega, Accession Number A000791, was taken into the care and custody of the shelter on September 20, 2017. At the time of intake, the dog was noted to have a tail injury.
- 2) On September 27, 2017, the dog was examined and treated by the shelter veterinarian for an injury to the end of the tail. The shelter veterinarian prescribed the placement of an "E-collar" and a 7-day course of treatment for the tail injury.
- 3) The shelter medication logs document the administration of these veterinary directives. The shelter medical record does not document any follow-up assessment of the injury or the E-collar placement. In addition, there is no documentation of any veterinary assessment other than the examination on September 27, 2017. There is no documentation of veterinary medical treatment or medication being administered to this dog after the initial 7-day treatment through its release to a rescue on October 17, 2017.

- 4) On October 17, 2017, a volunteer for a rescue approached this dog and noted a strong, foul odor. She observed that the E-collar appeared to be embedded into the ventral (bottom) portion of the neck and that the dog's scrotum appeared infected.
- 5) Upon transfer of Mega to this rescue on October 17, 2017, the rescue immediately sought veterinary care, due to their concern for these outwardly visible medical conditions.
- 6) On October 17, 2017, the private practice attending veterinarian diagnosed this dog as having the following medical conditions: a) deep moist pyoderamatitis (skin infection with discharge) of the ventral cervical area that she concluded was consistent with the early stages of an embedded collar, b) unilateral cryptorchidism with deep, moist ulcerative pyoderamatitis of the scrotal skin resulting in a significantly swollen scrotum, c) small area of moist dermatitis on the ventral abdomen, d) bilateral otitis externa (ear infections in both ears), e) bronchitis and rhinitis (respiratory infection with nasal discharge), and f) chronic tail injury ("Happy tail").
- 7) Review of the medical conditions and the October 17, 2017 veterinary examination results of this dog find that these medical conditions were most likely chronic and ongoing in this dog. In addition, it appears that the neck lesion was a complication from a medical device, E-collar, which was placed under the direction of the shelter veterinarian and for which there is no documentation of follow-up evaluation or monitoring.

Based on the results of this investigation, the shelter appears to have violated NCAC 52J .0210(c).

On April 20, 2017 AWS issued a Warning Letter (AWS-WL-2017-4) for violation of NCAC 52J .0101(5) and .0210(c) and (d). In part, the April 20, 2017 Warning Letter stated:

Given the apparent lack of protocols and procedures to ensure the timely reporting and monitoring of the veterinary medical care and the condition of the animals housed at the shelter, I recommended to the Shelter Director that he consult with other NC shelters which have successfully implemented such safeguards and procedures. I recommended that the Shelter Director implement such protocols and procedures.

Therefore, at this time, I am directing the shelter, within 14 business days, to do the following:

- 1) Submit to AWS a written protocol for the evaluation and monitoring of E-collars or other medical devices applied to dogs and/or cats in the care and custody of the shelter;
- 2) Submit to AWS a written protocol for follow-up veterinary assessment and treatment of dogs and cats receiving veterinary care while in care and custody of the shelter; and
- 3) Submit to AWS a written protocol that details the procedure(s) and shelter position(s) responsible for the daily observation of the dogs and cats in the care and custody of the shelter.

This Warning Letter serves as written notice indicating in which respects the shelter has violated the N.C. Animal Welfare Act and the rules issued pursuant thereto.

Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's license pursuant to N.C. General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read 'PN', with a long horizontal line extending to the right.

Patricia Norris, DVM, MS  
Director of Animal Welfare Section  
Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian  
Joe Reardon, Assistant Commissioner, NCDA&CS  
Tina Hlabse, General Counsel, NCDA&CS  
Christopher R. McLennan, Assistant Attorney General

## Appendix

### REFERENCED STATUTES AND REGULATIONS

#### **§ 19A-30. Refusal, suspension or revocation of certificate or license.**

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

#### **§ 19A-40. Civil Penalties.**

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

#### **02 NCAC 52J .0210 VETERINARY CARE**

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary

care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

*History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005.*